

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

**NEW JERSEY REGIONAL COUNCIL  
OF CARPENTERS; BROOKSIDE  
CONSTRUCION CORPORATION OF  
SEWELL, NEW JERSEY;**  
*individually and on behalf of a class,*

Plaintiffs,

v.

Civil Action No. 08-1731 (KSH)

**D.R. HORTON, INC.;**  
**TOSA CONSTRUCTION, INC./N.**  
**PAONE CONSTRUCTION, INC.,**

Defendants.

**ORDER**

**Katharine S. Hayden, U.S.D.J.**

This matter comes before the Court upon defendant's objection [D.E. # 38] to the Report & Recommendation ("R&R") issued by Magistrate Judge Michael Shipp [D.E. # 37], which recommended that this Court deny defendant's pending motion to dismiss for lack of personal jurisdiction over it [D.E. # 21]. The Court has reviewed the parties' papers originally filed on the motion, Magistrate Judge Shipp's R&R, defendant's objections thereto, and plaintiff's response. The Court notes that both parties' post-R&R submissions contemplate conducting limited discovery on the jurisdictional issue. *See* Def. Br. in Support of Obj. at 8 (objecting to piercing the corporate veil "without any discovery having been taken"); Pl. Br. in Opp. to Obj. at 2 (citing *Toys "R" Us v. Step 2, S.A.*, 318 F.3d 446, 456 (3d Cir. 2003) (permitting jurisdictional discovery upon the presentation of "factual allegations that suggest with reasonable particularity the possible existence of the requisite contacts between the party and the forum state"). Based

on the foregoing, the Court is persuaded that limited jurisdictional discovery is necessary to resolve the motion. Good cause appearing,

**It is** on this 20<sup>th</sup> day of March, 2009, hereby

**ORDERED** that the motion to dismiss [D.E. # 20] be **administratively terminated** without prejudice; and it is further

**ORDERED** that the parties are directed to confer with Judge Shipp for orders regarding limited, focused discovery on the jurisdictional issue raised; and it is further

**ORDERED** that the parties may submit supplemental briefs pursuant to a schedule to be set by Judge Shipp upon the close of such limited discovery; and it is further

**ORDERED** that this Court will grant no adjournments to the briefing schedule set by Judge Shipp; and it is further

**ORDERED** that this Court shall reinstate and decide the motion to dismiss using all previously filed submissions and the supplemental briefing directed herein.

/s/ Katharine S. Hayden

KATHARINE S. HAYDEN  
UNITED STATES DISTRICT JUDGE